IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4462 OF 2005

Jayashree @ Kalyani Umesh Deshpande ...Applicant
Vs.
The State of Maharashtra ...Respondent

Ms. Pranali P.Kakade for the Applicant.
Mr. K. V. Saste A.P.P. for the Respondent.

CORAM : A.S.OKA, J.
DATED : JULY 18, 2005.

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for the State. By order dated 11th July, 2005 the prayer for interim relief has been rejected by the learned Additional Sessions Judge. The learned Advocate for the Applicant now states that the Application is kept for hearing on Wednesday 20th July, 2005.

2. Reliance is placed by the learned Advocate for the Applicant on decision of this Court reported in 1994(3) Bombay Case Reporter, 348 (State of Maharashtra Vs. Narendrasingh Rajput). My attention has been also invited to an order passed by the learned Single Judge (A.M.Khanwilkar,J) of this Court. In the present case, if the learned Judge was of the view that the Applicant was not entitled to Anticipatory Bail, he should have rejected the Application on 11th July, 2005 itself. Instead of following the said course, he rejected the prayer for interim bail and adjourned the main application to a later date. Now it is stated that the Application is fixed on 20th July, 2005. It is desirable that the learned Judge should dispose of the Application immediately on the same day. In the meanwhile, the Applicant will have to be granted limited protection.

3. Hence, this Application is disposed of by directing the learned Additional Sessions Judge, Pune

to decide the Criminal Misc. Application No.1190 of 2005 on 20th July, 2005 or atleast on 21st July, 2005. Till the said Application is decided, the Applicant shall not be arrested in connection with C.R.No. 01 of 2005 of Haveli Police Station, subject to condition of complying with the conditions incorporated in clause (i) to (iii) of Sub-section 2 of Section 438 of the Code of Criminal Procedure, 1973.

4. If the prayer for grant of Anticipatory Bail is rejected by the learned Judge, the protection granted by this Court will continue to operate till 25th July, 2005. It is made clear that the learned Additional Sessions Judge will decide the said Application uninfluenced by limited protection granted by this Court.

5. The Applicant is directed to remain present before the learned Additional Sessions Judge on the date fixed for hearing. It is made clear that if the Applicant fails to appear before the learned Additional Sessions Judge on 20th July, 2005, the limited protection granted by this court will not enure to the benefit of the Applicant.

JUDGE